

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

NOTICE OF FINAL RULEMAKING

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in the District of Columbia Documents Act, effective March 6, 1979 (D.C. Law 2-153), hereby gives notice of the adoption of the following amendments to Chapter 3 of Title 1 of the *District of Columbia Municipal Regulations*.

The purpose of the rulemaking is to make multiple changes including providing for the official online and print publication of the *D.C. Register*, cancellation of subscriptions on December 31, 2008, changes to office sales policies and procedures, and a new requirement for electronic submissions to ODAI.

A Notice of Proposed Rulemaking was published in the D.C. Register on November 14, 2008 at 55 DCR 11869. No comments were received, and there have been no substantive changes made to proposed rulemaking.

1 DCMR Chapter 3, RULES OF THE OFFICE OF DOCUMENTS, is deleted in its entirety and replaced with the following new Chapter 3:

CHAPTER 3 RULES OF THE OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES**Sections**

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300 OFFICE OF DOCUMENTS: GENERAL PROVISIONS

- 300.1 The District of Columbia Office of Documents and Administrative Issuances was established as part of the Executive Office of the Mayor on March 6, 1979, by §2 of the "District of Columbia Documents Act," D.C. Law 2-153 (D.C. Code §2-611 (2008 Supp.); and by Mayor's Order 88-104, dated April 26, 1988.
- 300.2 The purpose of this chapter is to set forth the policies and procedures for the implementation of the District of Columbia Documents Act (referred to in this chapter as the Documents Act) and applicable provisions of the District of

Columbia Administrative Procedure Act (referred to in this chapter as the Administrative Procedure Act).

- 300.3 The provisions of this chapter are promulgated pursuant to authority set forth in §3(b) of the Documents Act.
- 300.4 The Administrator of the Office of Documents and Administrative Issuances (referred to in this chapter as the Administrator) is appointed by the Mayor and supervised by the Secretary of the District of Columbia, and is vested with the authority to administer the provisions of the Documents Act in accordance with §2 of the Documents Act.
- 300.5 The Office of Documents and Administrative Issuances (also referred to in this chapter as ODAI) is responsible for the preparation and publication of the legal publications of the District of Columbia government. Beginning on January 1, 2009, official copies of the DC Register and DC Municipal Regulations shall be published both in paper print format and electronic print format on the Secretary of the District of Columbia's website, with CD and paper copies available for purchase upon request.
- 300.6 All publications of ODAI will be considered to be "published" when posted to the website of the Office of the Secretary, <http://os.dc.gov>. ODAI will contemporaneously retain a paper copy of each official electronic publication.
- 300.7 The online copies of the D.C. Register, DCMR, and Mayor's Administrative Issuances shall be considered official copies. One paper original of each shall be printed, date- and time-stamped, and retained at ODAI, and one copy of the paper original shall be provided to the DC Archives for permanent storage. An electronic copy of the original shall also be retained in the DC Archives, and shall be considered a true copy. If there is any discrepancy regarding the accuracy of any publication, the paper original located in the ODAI office or the DC Archives shall be considered the authoritative copy.
- 300.8 Because free online access is available to all ODAI publications, all mailed subscriptions shall end on December 31, 2008.

Publications include the following:

- (a) The *District of Columbia Register* (also referred to as the *D.C. Register* or "*Register*" and abbreviated "DCR");
 - (b) The *District of Columbia Municipal Regulations* (also referred to as the *D.C. Municipal Regulations* and abbreviated "DCMR");
 - (c) The *District of Columbia Statutes-at-Large* (also referred to as the *D.C. Statutes-at-Large* and abbreviated "D.C." *Stat.*); and
 - (d) Mayor's Administrative Issuances.
- 300.9 The Office of Documents and Administrative Issuances is located in Room 520 S, One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001. This is also the mailing address for ODAI.

- 300.10 The regular office hours of the Office of Documents and Administrative Issuances are from 8:30 a.m. to 5:30 p.m., Monday through Friday, exclusive of District of Columbia government holidays.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §2 of the District of Columbia Documents Act, D.C. Law 2-153, D.C. Code §2-611 (2008), as amended.

SOURCE: Final Rulemaking published at 25 DCR 9855 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091 (September 18, 1981).

301 GENERAL AUTHORITY OF THE ADMINISTRATOR OF DOCUMENTS

- 301.1 The Administrator of the Office of Documents and Administrative Issuances is vested with authority to administer generally the provisions of this chapter, the provisions of the Documents Act, and the applicable provisions of the Administrative Procedure Act (D.C. Code §2-501 *et seq.*), as amended, in accordance with the provisions of D.C. Official Code, §2-612 (2006 Repl.).
- 301.2 The Administrator is authorized to promulgate rules and procedures for the implementation of the Documents Act and applicable provisions of the Administrative Procedure Act.
- 301.3 The Administrator is responsible for the supervision, management, and direction of the District of Columbia Office of Documents and Administrative Issuances, under the supervision of the Secretary of the District of Columbia.
- 301.4 The Administrator is authorized to adopt editorial standards for the submission of documents for publication in the *District of Columbia Register* and the *District of Columbia Municipal Regulations*, including requirements for standardized organization, numbering, format, grammar, and other matters of style.
- 301.5 With the exception of acts and resolutions adopted by the Council of the District of Columbia, the Administrator is authorized to reject for publication any document that fails to comply substantially with the publication requirements and standards set forth in this chapter.
- 301.6 The Administrator is authorized to incorporate by reference the text of documents in the *D.C. Register* or *D.C. Municipal Regulations*, in accordance with the provisions of the Documents Act and this chapter.
- 301.7 The Administrator is required to certify the promulgation, adoption, or enactment of all documents published by the Office of Documents and Administrative Issuances. The Administrator is authorized to obtain the assistance of the Office of the Attorney General, the officer designated by the Chairperson of the Council, or agency legal counsel in determining whether a document should be certified for publication.
- 301.8 The Administrator is required to provide instruction for promulgators of documents in the matters set forth in this chapter, including preparation and submission of

documents, publication standards, and other areas that will assist the promulgators in complying with the requirements of this chapter.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9856 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4092 (September 18, 1981).

302 SERVICES TO THE PUBLIC

- 302.1 The public may access the DC Register online at DC Public Libraries. Printed copies of the online issue shall also be available at all branches of the DC Public Library and shall be provided to each Advisory Neighborhood Commission. Several branches, including Martin Luther King branch, maintain files of back issues.
- 302.3 Anyone requesting a printed version of any edition of the DC Register may purchase one at a price set by the Administrator that covers the cost to ODAI of printing it. The prices will vary by number of pages necessary, but in any case will be whole dollar increments between \$5 and \$50.
- 302.4 Copies of the titles of the *D.C. Municipal Regulations* shall be published online, with printed and CD versions available for purchase at the Office of Documents and Administrative Issuances at a price that covers the cost of materials.
- 302.5 Copies of the *D.C. Statutes-at-Large*, titles of the *D.C. Municipal Regulations* (DCMR), and D.C. Register are available for purchase at a price that covers the cost of materials to ODAI. ODAI is located at One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4093 (September 18, 1981); as amended by Final Rulemaking published at 38 DCR 5665 (September 6, 1991); and by Final Rulemaking published at 42 DCR 566 (January 27, 1995)..

303 SERVICES TO DISTRICT GOVERNMENT AGENCIES

- 303.1 In order to ensure the efficient and timely promulgation of notices of proposed rulemaking, final rules, notices of public hearings, and other legal notices and documents, the Administrator shall assist the agencies of the District government in complying with the following:
- (a) The provisions of this chapter;
 - (b) The requirements of the D.C. Documents Act; and
 - (c) The applicable provisions of the Administrative Procedure Act, as amended.
- 303.2 The Director shall arrange to provide an appropriate response to each inquiry presented in person by telephone, or in writing to ODAI.
- 303.3 The staff of the Office of Documents and Administrative Issuances shall provide informal assistance and advice to officials of District agencies with regard to

general or specific rulemaking and notice practices, including drafting of proposed rules, notice requirements, promulgation procedures, and other matters arising under the provisions of the chapter.

- 303.4 The staff of the Office of Documents and Administrative Issuances will conduct seminars in the various aspects of rulemaking practice and preparation of official documents for officials of the District government. Seminars will be arranged for small groups or individuals. The emphasis of these seminars will be on addressing the particular needs of agencies and promulgators of legal documents for publication in the *D.C. Register* and *D.C. Municipal Regulations*.
- 303.5 Requests for scheduling of seminars, including a list of topics to be covered, should be in writing to the Administrator of Documents and Administrative Issuances. Requests should be submitted reasonably in advance and should suggest several alternative dates and times to facilitate scheduling.
- 303.6 Each agency may request a complete DCMR set on CD, at a cost of \$100 per set, which shall be paid via Memorandum of Understanding to the Office of the Secretary of the District of Columbia.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9858 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4094 (September 18, 1981); by Final Rulemaking published at 32 DCR 4725 (August 16, 1985); and by Final Rulemaking published at 42 DCR 566 (January 27, 1995).

304 AGENCY REPRESENTATIVES

- 304.1 Each agency, department, office, or other governmental entity that submits documents for publication in the *D.C. Register* shall designate, from its Director's office or General Counsel's office, a representative and alternate to service as a liaison to the Office of Documents and Administrative Issuances. All representatives shall be called "agency liaisons."
- 304.2 Agency liaisons and Directors shall be the main contact persons in matters relating to the publication of documents in the *D.C. Register*. All documents submitted by an agency for publication, including notices and rulemaking documents must be submitted through the agency liaison or Director.
- 304.3 Designation of an agency liaison does not exempt an agency from the required review of the substance of rulemaking documents and legal certification by the Office of the Attorney General. Legal certification by agency counsel must be approved by the Administrator.
- 304.5 Each agency liaison shall be responsible for the following:
- (a) Representation of the agency in all matters relating to compliance with the provisions of this chapter;
 - (b) Responding to inquiries from the Office of Documents and Administrative Issuances concerning documents or notices submitted by the agency for publication;

- (c) Ensuring that the agency head or other official authorized by law to promulgate rules or attest to the promulgation of rules has reviewed all rulemaking notices and the rulemaking text, and has signed the required transmittal form, either in hard-copy or electronically, in accordance with the provisions of §____;
- (d) Ensuring that the required legal certification is set forth on the transmittal form in accordance with the provisions of §307; and
- (e) Ensuring that all other documents are in compliance with the Rules of the Office of Documents and Administrative Issuances prior to submission for publication.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9859 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4095 (September 18, 1981).

305 D.C. REGISTER: PUBLICATION POLICY

- 305.1 The Office of Documents and Administrative Issuances shall publish electronically a weekly serial publication called the *District of Columbia Register*, which shall contain the following:
- (a) Each resolution adopted by the Council and each act adopted by the Council and approved by the Mayor, enacted without mayoral approval, or enacted by the override of a mayoral veto;
 - (b) Each final or emergency rule, regulation, or other document required by law to be codified in the *D.C. Municipal Regulations*;
 - (c) Each notice of proposed rulemaking or intent to adopt the contents of any other document required to be codified in the *D.C. Municipal Regulations*.
 - (d) Each notice of public hearing issued by the Council or an agency; and
 - (e) Other documents accepted for publications pursuant to §§305.6, 305.7, or 305.8.
- 305.2 Documents required or authorized to be published in the *D.C. Register* shall be published as promptly after submission as possible within limitations imposed by considerations of accuracy, and substantial compliance with the publication standards set forth in this chapter.
- 305.3 In prescribing rules governing headings, notice format, effective dates, authority citations, and other matters of form, the Office of Documents and Administrative Issuances shall not affect the validity of any document that is filed and published under the law.
- 305.4 The *D.C. Register* serves as the ongoing supplement to the *D. C. Municipal Regulations*. Each document that is subject to codification in the DCMR and published in the *D.C. Register* shall be cross-referenced to the *DCMR*.
- 305.5 Each rulemaking document submitted to the Office of Documents and Administrative Issuances for publication in the *D.C. Register* must comply fully

with the format, style, and other requirements established for the *D.C. Municipal Regulations*.

305.6 The following documents are required to be submitted to the Office of Documents and Administrative Issuances for publication in the *D.C. Register*:

- (a) Each act and resolution of the Council of the District of Columbia;
- (b) Each notice of public hearing;
- (c) Each notice of proposed, final, or emergency rulemaking;
- (d) All administrative issuances of the Mayor, including orders and memoranda;
- (e) Each document having general applicability and legal effect; and
- (f) Other documents required by law to be published in the *Register*.

305.7 The Administrator of Documents is authorized to publish the following documents in the *D.C. Register*:

- (a) Documents requested to be published by the Chairperson of the Council or the Chairperson's designee;
- (b) Documents requested to be published by the Joint Committee on Judicial Administration in the District of Columbia;
- (c) Information on changes in the organization of the government of the District of Columbia;
- (d) Notices of public hearings not required by law or regulation to be published in the *D.C. Register*; and
- (e) Documents requested to be published by the Mayor of the District of Columbia.

305.8 Whenever the Administrator determines that the publication of a document not required by §305.6 or authorized by §305.7 would be of general public interest, the Administrator may permit the document to be published in the *D.C. Register*.

305.9 The following documents are generally not authorized to be published in the *Register*, except as provided by §305.8:

- (a) Proclamations or other ceremonial documents;
- (b) Notices of meetings or other activities;
- (c) Correspondence, memoranda, or internal agency documents;
- (d) Press releases, news items, commentary, or editorials;

- (e) Adjudicatory notices, opinions, or orders;
 - (f) Judicial Declaratory Orders
 - (g) Resolutions, petitions, or recommendations submitted for consideration by the Council, Mayor, or an agency; and
 - (h) Employment information, job announcements, or position descriptions.
- 305.10 Without prejudice to any other form of citation, the *D.C. Register* shall be cited by volume and page number, and the short form “**DCR**” shall be used in the citation. The date of publication of the weekly edition should also generally be included in the citation. For example, material which begins on page 8264 of volume 54 of the *D.C. Register* (published on August 24, 2007) should be cited “54 DCR 8264 (August 24, 2007).”
- 305.11 Each document published in the *D.C. Register* shall be placed under one of the following table of contents categories, as indicated:
- (a) **COUNCIL OF THE DISTRICT OF COLUMBIA** - Which shall contain all resolutions and approved acts of the Council, mayoral vetoes of Council acts, notices of D.C. Law numbers assigned, notices of filing and intent to consider legislation, notices of public hearings, and other documents requested to be published by the Chairperson;
 - (b) **PUBLIC HEARINGS** - Which shall contain all notices of public hearings issued by an agency or authorized for publication under §305.7(c);
 - (c) **FINAL RULEMAKING** - Which shall contain all final rules, notices of final rulemaking action, and documents having general applicability and legal effect;
 - (d) **PROPOSED RULEMAKING** - Which shall contain all notices of intent to adopt rules or documents of general applicability and legal effect, except combined notices pursuant to §305.11(e);
 - (e) **EMERGENCY RULEMAKING** - Which shall contain all notices of emergency rulemaking and combined notices of emergency and proposed rulemaking; and
 - (f) **NOTICES AND INFORMATION** - Which shall contain all other documents authorized for publication under §§305.7 or 305.8.
 - (g) **ADMINISTRATIVE ISSUANCES**- Which shall contain all Mayor’s Orders, Mayor’s Memorandum, and Mayor’s Administrative Instructions.
- 305.12 The Office of Documents and Administrative Issuances will publish annually a cumulative index of all matters published in the *D.C. Register* during the year. The complete index for each volume will also be published on a calendar year basis.

- 305.13 Beginning with Volume 27, in January 1980, complete volumes of the *D.C. Register* shall be published on a calendar year basis. ¹
- 305.14 The certification and publication of a document in the *D.C. Register* or *D.C. Municipal Regulations* (DCMR) creates a rebuttable legal presumption that the document was duly issued, adopted, prescribed, or enacted, and that all requirements of the Documents Act and the Administrative Procedure Act have been met.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9860 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4096 (September 18, 1981).

306 SUBMISSION OF DOCUMENTS: PUBLICATION SCHEDULES, DEADLINES AND, SUBMISSION PROCEDURES.

- 306.1 All Documents shall be submitted electronically by email to DCDocuments@dc.gov. The subject line shall identify the type of document, rulemaking, notice, or mayor's administrative issuance.
- 306.2 Persons unable to submit documents electronically may submit paper documents. Documents delivered by messenger or D.C. government agency personnel to the Office of Documents and Administrative Issuances will be time-stamped, put into electronic format and logged immediately upon receipt. Documents received through the U.S. Mail or departmental mail will be time-stamped and logged in the normal course of mail processing.
- 306.3 The *D.C. Register* is published on Friday each week. If a government holiday falls on Friday, the official publication date will remain the same.
- 306.4 Documents to be submitted for publication must conform to all style guidelines set forth in the ODAI Publications Style Manual, which is available online at <http://os/dc/gov>. Failure to conform to style guidelines may delay publication.
- 306.5 The method of submitting documents for publication is electronic. All documents that require signatures must be submitted as digital images of the paper original, using a format such as pdf, tif, or jpg. Originals of all documents to be published shall be retained at the agency that submitted them, for a minimum of one year from date of publication. ODAI will also print and retain a copy of each electronic submission.
- 306.6 In the event that an agency is unable to create a digital image of a signed document for submission, the agency liaison shall work with the editor of the DC Register to create the electronic version.
- 306.7 All documents that do not require signatures (e.g. notices, proposed rulemakings, etc.) may be submitted as digital images or as properly formatted text files. As of

¹ Volume 26 of the *D.C. Register* is a short volume; beginning July 1, 1979, and ending December 31, 1979.

the 2008 revision of these rules, Microsoft Word is the preferred word processing program of the Office of Documents and Administrative Issuances, although other programs that Word can convert will be accepted.

- 306.8 Electronic submissions will be accepted via email, CD-ROM, and USB Flash Drive. Emailed documents for publication shall be sent to dcdocuments@dc.gov. CD-ROM and USB Flash submissions may be mailed or brought in-person to the ODAI office.
- 306.9 To avoid the publication of fraudulent submissions, electronic submissions shall not be approved for publication until actively verified by the agency liaison or Director. Upon initial receipt of the submission, whether received by email, CD-Rom or USB Flash drive, a confirmation email will be sent to the agency liaison and agency director, requesting verification that the document is, in fact, approved by the agency director for publication. Until such return verification is received by dcdocuments@dc.gov, the document will not be placed in the queue for publication. Exceptions will only be made in the event of an email service disruption that is verified by the Office of the Chief Technology Officer (OCTO).
- 306.10 Upon receipt of the verification email, the time and date stamp of the receiving computer shall be recorded as the official time of submission for publication, not the initial submission time.
- 306.11 The deadline for submission of verification of documents for publication in each Friday edition of the *D.C. Register* is 12:00 Noon on each of the following days of the week of publication:
- (a) Council Public Hearing NoticesNoon Wednesday;
 - (b) Acts and Resolutions of the Council.....Noon Wednesday;
 - (c) Summaries of Council legislative sessions and other
Council noticesNoon Wednesday;
 - (d) Council notices of intent to adopt new legislation.....Noon Wednesday;
 - (e) Final and Proposed rulemaking notices.....Noon Tuesday.
 - (f) Emergency Rulemaking notices.....Noon Tuesday.
 - (g) Other Agency Notices and Documents.....Noon Tuesday.
- 306.12 Documents filed for publication in an issue of the *D.C. Register* which is scheduled to be published on the Friday of a week containing an official District government holiday must be submitted one business day earlier than the deadline set forth in §306.11.
- 306.13 Whenever an official government holiday falls on a Friday, the DC Register will be published one day earlier (Thursday), which means that all documents for publication in the *D.C. Register* are required to be submitted one business day earlier, as set forth in 306.11.

- 306.14 All documents subject to codification in the *D.C. Municipal Regulations* shall be reviewed by ODAI and certified by the Administrator prior to publication in the *D.C. Register*.
- 306.15 A pre-publication review service shall be provided by the Office of Documents and Administrative Issuances, as set forth in §308, in order to expedite the publication of proposed rulemaking and other documents requiring detailed review.
- 306.16 Proposed rulemaking and other documents subject to codification in the *D.C. Municipal Regulations* which have not been through the pre-publication review process should be submitted several days in advance of the deadlines set forth in §306.11 in order to allow time for editing.
- 306.17 Documents which have been tentatively certified by the Office of Documents and Administrative Issuances following pre-publication review will not normally require additional review prior to publication.
- 306.18 The publication of a document on an emergency basis may be requested when the document involves the prevention, alleviation, control, or relief of an emergency situation.
- 306.19 An agency requesting emergency publication shall briefly describe the nature of the emergency situation and the benefits which would result from immediate publication.
- 306.20 Requests for emergency publication shall be made in writing to DCdocuments@dc.gov.
- 306.21 If the Administrator concurs with the request for emergency publication, the document shall be posted online as soon as possible, and will be officially published in the next edition of the *D.C. Register*.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9863 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4099 (September 18, 1981).

307 FORMATTING AND PREPARATION OF DOCUMENTS

- 307.1 ODAI shall accept electronic submissions of documents. A person seeking to submit a document to ODAI shall submit the documents to dcdocuments@dc.gov. Submissions shall be in Microsoft Word format and accompanied by a signed PDF format transmittal form. Rulemaking submissions should adhere to the rules in §307.9 through 307.15.
- 307.2 All documents submitted to ODAI shall adhere to the ODAI Handbook and Style manual. The requirements include:
- a) To be eligible for publication in the *D.C. Register*, a document must be formatted for eight and one-half inch by eleven inch (8½ in. x 11 in.) white, opaque paper. The text must be set within margins not less than one (1) inch on all sides

- b) The preferred Font family for all ODAI publications is Times New Roman, in 12 point size with "Automatic" font color. The use of color in type faces or charts is discouraged, to enable ease of reading when printed in black and white.
 - c) All documents submitted for publication in the *D.C. Register* must be single-spaced. Extra single spaces between paragraphs or sections, as well as additional spaces between major divisions of documents, are generally acceptable. Documents should be prepared with attention to the ease of reading.
 - d) Documents should be prepared to be read vertically. Charts or other materials which cannot be reproduced in vertical form may be accepted for publication. In such cases, the text should be prepared for publication so that the top of the text will appear on the left margin of the page.
 - e) Documents generally should not be signed on the originals, except Council acts and Mayor's Orders. Signed originals or copies are not acceptable as substitutes for the signature required on the transmittal form.
- 307.5 Documents on letterhead and documents in the form of letters or memoranda are generally not acceptable for publication in the *D.C. Register*.
- 307.6 Except when considered necessary by the Administrator, blank forms for applications, registrations, reports, contracts, and similar items, and the instructions for preparing the forms, may not be published in full. A brief description or list of forms describing the purpose and use of each form, as well as where copies of the form(s) may be obtained (website address, telephone number, etc), may be submitted for publication.
- 307.7 After a document has been submitted for publication, a substantive error in the text may be corrected only by the filing of another document making the correction. Pending the receipt of the corrected document, the Office of Documents and Administrative Issuances should be informed by telephone or email to dcdocuments@dc.gov of the need to withhold publication pending the submission of the corrected document.
- 307.8 If a document has been adopted by a legislative or quasi-legislative body in session, substantive or technical errors in the documents as adopted will not be corrected by the Office of Documents and Administrative Issuances unless the correction is approved by the body in public session or the correction is made pursuant to the lawful adopted procedural rules of the body.
- 307.9 All rulemaking documents submitted for publication in the *Register* must be accompanied by a completed, signed transmittal form. Copies of the transmittal form shall be available from the Office of Documents and Administrative Issuances. Non-rulemaking documents shall not be submitted with an official transmittal form, but must be accompanied by an informal memorandum or letter which indicates the agency or other source of the notice, the name of the official authorizing publication, and the address and telephone number of a contact person.

- 307.10 The transmittal form shall include the signature of the official authorized to issue the rules or the official legally designated to attest to the adoption of rules by a quasi-legislative or administrative body composed of more than one person. Signatures not personally executed by the authorized official and signatures of persons not legally vested with authority to adopt rules or attest to the adoption of rules by a rulemaking body will not be accepted.
- 307.11 The transmittal form must contain the signature of the Office of the Attorney General or Agency Counsel, designated Assistant Attorney General, or approved agency counsel certifying that the substance of the text of the rule(s) has been reviewed and is, in the opinion of legal counsel, legally sufficient.
- 307.12 Certification of legal sufficiency, by the Office of the Attorney General or Agency General Counsel, must be included with all rulemaking actions. Certification of proposed rules may be conditioned upon review of final rules. If the substance of proposed rules for which final certification has been given is not modified prior to final rulemaking action, the final rules do not require duplicate certification.
- 307.13 Certification of the form and contents of notices of proposed, final, and emergency rulemaking shall be made by the Office of Documents and Administrative Issuances, pursuant to the provisions of §§309 through 311 of this chapter.
- 307.14 The Administrator will not certify and publish rulemaking notices in the *D.C. Register* unless it is clear that the promulgator of the rule or proposed rule named on the transmittal form has legal authority to issue the rules.
- 307.15 The transmittal form shall include a complete citation to the statute or other legal authority for the promulgation of the rules (including the applicable section, subsection, and paragraph), for each of the following:
- (a) The legal authority for the official or entity named in the transmittal form as the promulgator to adopt the rules; and
 - (b) The legal authority for the adoption of the substance of the rules.
- 307.16 In each instance where a document submitted for publication is rejected, pursuant to §305.5 (formatting), the Office of Documents and Administrative Issuances shall issue a notice of rejection which shall indicate the reason(s) for rejection. The notice of rejection shall be issued as soon as possible after review of the document.
- 307.17 An agency may request reconsideration of the rejection of any document for publication in the *D.C. Register* by submitting a written request for reconsideration to the Administrator stating the reasons why the document should be published as submitted. The Office of Documents and Administrative Issuances will respond to each request for reconsideration in writing within two (2) days of the receipt of the request.
- 307.18 If a rulemaking notice is rejected and subsequently submitted in corrected form, it must be accompanied by a new transmittal form executed in accordance with this section.

SOURCE:Final Rulemaking published at 25 DCR 9855, 9865 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4101 (September 18, 1981).

308 PRE-PUBLICATION REVIEW OF DOCUMENTS

- 308.1 Agencies are encouraged to submit final drafts of rulemaking documents and other documents subject to codification in the *D.C. Municipal Regulations* or publication in the *D.C. Register* to ODAI for pre-publication review in accordance with the provisions of this section.
- 308.2 The purpose of pre-publication review is to provide agencies with assistance and guidance in the application of the provisions of this chapter to specific documents while the documents are in the “final draft” stage. The review process is not intended to be a substitute for agency preparation of the substance of documents in compliance with the provisions of this chapter; therefore, “rough” drafts and drafts that contain gross errors of grammar, format, and style will not be accepted for review.
- 308.3 Documents that have been reviewed prior to adoption or approval as proposed rulemaking will generally not require additional review of ODAI prior to certification and publication in the *D.C. Register*. Pre-publication review should also greatly reduce the possibility that a document will be rejected for publication due to lack of compliance with the publication standards set forth in this chapter.
- 308.4 Documents submitted for pre-publication review should be in the same form as required for submission for publication; however, originals should not be submitted for review. Text which is double or triple-spaced will not be accepted for pre-publication review.
- 308.5 The pre-publication review process will include examination and recommendations on the following elements:
- (a) Numbering of chapters, sections, and paragraphs;
 - (b) Grammar, usage, and other matters of style;
 - (c) Format of notices and text;
 - (d) Contents of draft notices;
 - (e) General readability and organization text; and
 - (f) Compliance with the provisions of this chapter.
- 308.6 Every attempt will be made to complete the review process expeditiously; however, in cases where the drafts are lengthy and complex, agencies should allow at least two (2) weeks for review of final drafts .
- 308.7 The Administrator may treat a document submitted for publication in the *D.C. Register* that has been rejected under §301.5 as a document submitted for pre-publication review under this section.

SOURCE:Final Rulemaking published at 25 DCR 9855, 9868 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4104 (September 18, 1981).

309 PROPOSED RULEMAKING NOTICES

- 309.1 A Proposed Rulemaking that is submitted for publication, including rulemakings that give notice of intent to adopt a new rule, amend an existing rule, or repeal an existing rule, shall be filed in accordance with the provisions of this section, and any other applicable provisions of this chapter.
- 309.2 The heading of each proposed rulemaking document shall state, in bold upper case print, the name of the agency promulgating the proposed rule and the phrase **"NOTICE OF PROPOSED RULEMAKING."**
- 309.3 The text of the proposed rule(s) shall be preceded by a notice that shall contain the following:
- (a) The name of the promulgating official or body authorized to issue rules;
 - (b) A citation to the rule(s) amended or repealed or the proposed citation of the new rule(s);
 - (c) If the proposed rulemaking is being re-published, pursuant to §310.5, a citation to the previous notice(s) of proposed rulemaking published in the *D.C. Register*;
 - (d) A brief description or title of the proposed rule(s); and
 - (e) A statement of intent to adopt, amend, or repeal the rule(s) in not less than thirty (30) days from the date of publication of the notice in the *D.C. Register*. A longer period may be stated if required by law or adopted by the agency.
- 309.4 The text of the proposed rule(s) shall be followed by a notice that indicates the following:
- (a) The manner in which public comments will be received, including an email address, telephone number, and other pertinent information;
 - (b) The manner in which a copy of the proposed rule(s) may be obtained, upon request, including a requirement for payment of a reasonable fee, if applicable; and
 - (c) The date that the notice period begins. The date the notice period begins is the date of publication of a proposed rule.
- 309.5 In the event there are substantive changes to a proposed rulemaking, the rulemaking must be republished in full as a proposed rulemaking for a length of time determined by the Administrator, but in no case fewer than seven (7) days, and shall include the information required in §309.4 (a), (b), and (c).

- 309.6 Proposed rules that are re-submitted for publication, pursuant to §310.5, shall indicate those portions of the text that have been substantially altered by setting forth the previously published text in brackets [...] and underlining the new text that has been altered; Provided, that this requirement shall not apply to a Notice of Proposed Rulemaking which completely supersedes a previously published notice, so long as the rules were never adopted. The new notice shall cite the earlier notice and indicate that it has been superseded.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9869 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4105 (September 18, 1981).

310 FINAL RULEMAKING NOTICES

- 310.1 A Final Rulemaking that is submitted for publication, including rulemakings that give notice of the adoption of a new rule, the amendment of an existing rule, or the repeal of an existing rule, shall be filed in accordance with the provisions of this section, and any other applicable provisions of this chapter.
- 310.2 The heading of each final rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the rule and the phrase “**NOTICE OF FINAL RULEMAKING.**”
- 310.3 The text of the final rule(s) shall be preceded by a notice that shall contain the following:
- (a) The name of the promulgating official or body authorized to issue rules;
 - (b) The date on which the final action was taken;
 - (c) A brief description or title of the rule(s);
 - (d) A citation to the notice(s) of proposed rulemaking previously published in the *D.C. Register*; and
 - (e) The effective date of the final rule(s). If no effective date is stated, it will be presumed that the rule(s) will become effective upon publication of the notice of final rulemaking in the *D.C. Register*.
- 310.4 The Administrator of ODAI may omit publication of the entire text of a final rulemaking document if the final text is identical to the text published with the notice of proposed rulemaking;
- 310.5 If the text of a rulemaking document is substantially altered from the text published with the notice of proposed rulemaking, the promulgating agency must re-submit the text as a proposed rule, pursuant to §309. An agency does not have to wait the full notice period before re-filing an altered proposed rule. A new notice period begins upon re-publication.
- 310.6 For the purposes of this chapter, “substantial alteration” of the text shall not include the following:

- (a) Re-arrangement or renumbering of portions of the text;
- (b) Re-wording to correct errors in format or style;
- (c) Re-wording of the document, including the addition or deletion of material, that serves to clarify the intent, meaning, or application of the rule(s) and that does not substantially change the intent, meaning, or application of the proposed rule(s) or exceed the scope of the rule(s) as published with the notice of proposed rulemaking, as determined by ODAI.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9870 (May 5, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4106 (September 18, 1981).

311 EMERGENCY RULEMAKING NOTICES

- 311.1 A document that is submitted for publication as emergency rulemaking, including any document that purports to adopt a new rule on an emergency basis or amend or repeal an existing rule on an emergency basis, shall be filed in accordance with the provisions of this section, in addition to other applicable provisions of this chapter.
- 311.2 A notice of emergency rulemaking may be combined with a notice of proposed rulemaking. Combined notices must meet the requirements of this section and the requirements of §309.
- 311.3 The heading on each emergency rulemaking document shall state, in bold type or upper case print, the name of the agency promulgating the rule and the phrase **“NOTICE OF EMERGENCY RULEMAKING.”** A combined notice of emergency and proposed rulemaking shall use the phrase **“NOTICE OF EMERGENCY AND PROPOSED RULEMAKING.”**
- 311.4 The text of the emergency rule(s) shall be preceded by a notice that shall contain the following:
 - (a) The name of the promulgating official or body authorized to issue rules;
 - (b) The date of adoption of the emergency rule(s) and the effective date of the rule(s);
 - (c) A citation to an existing rule that is being amended or repealed or a temporary citation for a new rule;
 - (d) A brief description or title of the rule(s);
 - (e) A statement giving the justification for emergency rulemaking action which clearly explains why the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals;
 - (f) The date of expiration of the emergency rule(s); and
 - (g) If the notice is for combined emergency and proposed rulemaking, it shall include the language required by §309.3, and the requirements of §309.4 must be met by

the addition of the proper notice to the end of the text of the emergency and proposed rule(s)

- 311.5 The one hundred twenty (120) day maximum effective period for emergency rules begins on the date of adoption of the rules. A shorter period of effectiveness may be stated in the notice. Emergency rules may take effect on the date of adoption, on the date of publication in the *D.C. Register*, or on another date after adoption.
- 311.6 A combined Notice of Emergency and Proposed Rulemaking shall state that the rule(s) will expire one hundred twenty (120) days after adoption (or a shorter stated period) or upon publication of final rules, whichever occurs first.

SOURCE: Final Rulemaking published at 25 DCR 9855, 9871 (May 4, 1979); as amended by Final Rulemaking published at 28 DCR 4091, 4107 (September 18, 1981).

312 D.C. MUNICIPAL REGULATIONS: PUBLICATION POLICY

- 312.1 The incorporation of existing and future documents in the official compilation of the District of Columbia rules and regulations, the *D.C. Municipal Regulations* ("DCMR"), shall be governed by the publication policy set forth in this section.
- 312.2 The *DCMR* shall include every regulation enacted by the appointed District of Columbia Council. These documents are generally known as "Council Regulations."
- 312.3 The *DCMR* shall include every act of the elected Council of the District of Columbia which specifically amends or modifies an existing Council Regulation; which is designated by its provisions as a regulation or amendment to the *DCMRs*; which is designated by its provisions as an amendment to the *District of Columbia Rules and Regulations* (DCRR); or which has not been codified or schedule to be codified in the *District of Columbia Code*. The provisions of this subsection shall not apply to emergency or budget acts of the Council of the District of Columbia.
- 312.4 The *DCMR* shall include every document of general applicability and legal effect that is designated for publication in the *DCMR* by resolution of the Council of the District of Columbia.
- 312.5 The *DCMR* shall include every rule, regulation, or document having general applicability and legal effect which was lawfully adopted by the Board of Commissioners of the District of Columbia; the Commissioner of the District of Columbia; or an authorized agency, board, commission, or official of the District of Columbia prior to the effective date of the Administrative Procedure Act (D.C. Official Code § 2-501 *et seq.* (2001))
- 312.6 The *DCMR* shall include every rule, regulation, or document having general applicability and legal effect promulgated by the Mayor, Commissioner, or any authorized agency, board, commission, or official of the District of Columbia since October 2, 1969, which has been properly adopted and published in accordance with the provisions of §§6 and 7 of the Administrative Procedure Act.
- 312.7 All rules, regulations, and documents of general applicability and legal effect incorporated in the *DCMR* shall reflect the following:

- (a) All amendments, deletions, and other modifications that have been duly enacted or adopted by the District of Columbia Council;
- (b) The Council of the District of Columbia;
- (c) The Mayor; or
- (d) Any authorized agency, board, commission, or official of the District of Columbia.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4108 (September 18, 1981).

313 D.C. MUNICIPAL REGULATIONS: STRUCTURE AND FORMAT

- 313.1 The major divisions of the *D.C. Municipal Regulations* (DCMR) are titles, each of which brings together broadly related rules and regulations by subject matter categories.
- 313.2 Titles of the *D.C. Municipal Regulations* are designated by the Office of Documents. Assignment of rules and regulations to the various titles of the *D.C. Municipal Regulations* by the Office of Documents and Administrative Issuances will be based on the structure set forth in §313.3.
- 313.3 The structure of the *D.C. Municipal Regulations* is the following:

- 1 MAYOR AND EXECUTIVE AGENCIES**
- 3 ELECTIONS AND ETHICS**
- 4 HUMAN RIGHTS**
- 5 EDUCATION**
- 6A POLICE PERSONNEL**
- 7 EMPLOYMENT BENEFITS**
- 8 UNIVERSITY OF THE DISTRICT OF COLUMBIA**
- 8A DISTRICT OF COLUMBIA LAW SCHOOL**
- 9 TAXATION AND ASSESSMENTS**
- 10 DISTRICTS COMPREHENSIVE PLAN (PART 1)**
- 10 PLANNING AND DEVELOPMENT (PART 2)**
- 11 ZONING**

- 12 CONSTRUCTION CODES**
- 13B BOILER AND PRESSURE VESSEL CODE**
- 14 HOUSING**
- 15 PUBLIC UTILITIES & CABLE TELIVISION**
- 16 CONSUMERS, COMMERCIAL PRACTICES & CIVIL
INFRACTIONS**
- 17 BUSINESS, OCCUPATIONS & PROFESSIONALS**
- 18 VEHICLES & TRAFFIC**
- 19 AMUSEMENTS, PARKS & RECREATION**
- 20 ENVIRONMENT – CHAPTERS 1-39**
- 20 ENVIRONMENT – CHAPTERS 40-70**
- 21 WATER & SANITATION**
- 22 PUBLIC HEALTH & MEDICINE
HEALTH CARE & COMMUNITY RESIDENCE FACILITIES
SUPPLEMENT**
- 22A MENTAL HEALTH**
- 23 ALCOHOLIC BEVERAGES**
- 24 PUBLIC SPACE AND SAFETY**
- 25 FOOD AND FOOD OPERATIONS**
- 26 INSURANCE**
- 26A BANKING**
- 27 CONTRACTS AND PROCUREMENT**
- 28 CORRECTIONS, COURTS & CRIMINAL JUSTICE**
- 29 PUBLIC WELFARE**
- 30 LOTTERY AND CHARITABLE GAMES**
- 31 TAXICABS & PUBLIC VEHICLES FOR HIRE**

- 313.4 Subtitles may be assigned by the Office of Documents and Administrative Issuances to group chapters within a title by specific subject matter or agency. Specific chapters grouped within a subtitle may be made available to the public separately by subtitle.
- 313.5 A Title may be divided in two ways. First, if there are large sub-sections of each Title, ODAI may determine that new titles should be formed. Second, in the alternative, ODAI may advise the agency to create **Subtitles**. However, if there are many smaller subsections of each title, ODAI may advise the agency to create **Chapters**. Subtitles and Chapters are assigned or approved by ODAI on the basis of subject matter. Each chapter or subtitle shall have a descriptive heading.
- 313.6 The divisions of each chapter are **SECTIONS**. Each section shall consist of a body of rules that covers a specific, closely related segment of the chapter's subject matter. Each section shall have a descriptive heading.
- 313.7 The major divisions of each section are **SUBSECTIONS**. Subsections are the basic units of the *D.C. Municipal Regulations*. Each subsection shall contain a single, specific requirement, provision, or a declarative statement of policy. Generally, subsections consist of one sentence or, occasionally, two (2) or three (3) sentences. Subsections do not have descriptive headings.
- 313.8 Subsections may include **PARAGRAPHS** and **SUBPARAGRAPHS** that set forth lists, examples, or subdivisions of the specific provision set forth in the subsection. Paragraphs and subparagraphs shall not be used in place of separate subsections.
- 313.9 The various divisions of the *D.C. Municipal Regulations* shall be designated in the following manner:
- (a) **TITLES** - Consecutively in Arabic numerals in accordance with the structure set forth in this section. (1, 2, 3, ...);
 - (b) **SUBTITLES** - Consecutively in uppercase Arabic letters immediately following the DCMR designation (1 DCMR A, 6 DCMR B, ...);
 - (c) **CHAPTERS** - Consecutively in Arabic numerals throughout each title (100, 200.0, 300.0, ... 3400.0, 35 0.0, ...);
 - (d) **SECTIONS** - Consecutively in Arabic numerals throughout each chapter. (100, 101, 102, ... 3420, 3421, 3422, ...);
 - (e) **SUBSECTIONS** - Consecutively in Arabic numerals throughout each section. (106.1, 106.2, 106.3, ... 106.15, 106.16, ...);
 - (f) **PARAGRAPHS** - Consecutively in lower case Arabic letters set within parenthesis. (106.1a), 106.1b), 106.1c) ...);
 - (g) **SUBPARAGRAPHS** - In outline style, as follows: (1), (2), (3), ... (1)(A), (1)(B), (1)(C), ... (1)(A)(i), (1)(A)(ii), (1)(A)(iii). Subparagraphs are rarely used in the DCMR.

- 313.10 The numbering system of the *D.C. Municipal Regulations* can be used to identify the types of divisions contained in a citation. For example: 18 DCMR A §235.6(a)(4) is subparagraph (4) of paragraph (a) of subsection 6 of section 35 of chapter 2 of subtitle A of title 18 DCMR.

SOURCE: Final Rulemaking published at 28 DCR 4091, 4109 (September 18, 1981).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to implement regulations setting forth acceptable and unacceptable advertising practices, to implement regulations setting forth practices considered unauthorized practice, to clarify those procedures which may be delegated to be performed by unlicensed persons, to clarify that a licensee cannot obtain continuing education credit for work done in the normal course of his or her occupation, to set forth the items expected to be contained in a patient record, to implement regulations requiring the use of protective shields on all patients receiving x-rays and radiographs, and to implement regulations requiring and requiring dentists to notify their patients when changing the location of or closing a dental practice or office.

These rules were previously published as proposed rulemaking on October 10, 2008 at 55 DCR 10354. Comments were received from the DC Dental Society regarding § 4217.2(b) suggesting that the term “surgery” should be added to clarify that the oral and maxillofacial program is an oral and maxillofacial surgery program. No changes have been made to the regulations from the previous publication. These regulations will become effective upon publication of this notice in the D.C. Register.

17 DCMR Chapter 42, DENTISTRY, is amended as follows:

A new section 4206.14 is added to read as follows:

4206.14 Unless otherwise specifically stated in this chapter, the Board shall not grant continuing education credits for:

- (a) Work done in the course of an applicant’s normal occupation or incident to the performance of his or her regular professional duties, such as teaching didactic courses, research, or course preparation in the case of a teacher or professor;
- (b) Meetings and activities not related to the administrative or clinical practice of dentistry; or
- (c) Other activities, which are not of the type of activities approved by the Board.

Section 4213.4 is amended to read as follows:

4213.4 A dentist shall maintain a record for each patient which shall:

(a) Accurately reflect the evaluation and treatment of the patient and which may include the following:

- (1) Patient's name and the date of treatment;
- (2) Updated health history;
- (3) Treatment plan;
- (4) Informed consent document(s);
- (5) Diagnosis and treatment rendered;
- (6) List of drugs prescribed, administered, dispensed and the quantity;
- (7) Radiographs;
- (8) Patient financial/billing records;
- (9) Name of dentist and/or dental hygienist providing service(s); and
- (10) Laboratory work orders; and

(b) Be kept for three (3) years after last seeing the patient or three (3) years after a minor patient reaches eighteen (18) years of age.

A new section 4213.62 is added to read as follows:

4213.62 A dentist shall use a lead apron or its equivalent on all patients receiving an x-ray or radiograph, and when appropriate a thyroid collar shall also be used.

A new section 4213.63 is added to read as follows:

4213.63 Whenever an entire dental practice or office moves to a new location or ceases operation, the owner or responsible dentist shall notify the patients of the change of address or closing not later than 30 days after the change or closing, by U.S. Mail, a note posted on the door for at least 30 consecutive days, telephone

message activated for at least 30 consecutive days, or any combination of the above.

A new section 4215 is added to read as follows:

4215 DELEGATION OF DUTIES

4215.1 The following duties shall only be performed by a dentist licensed under the Act and shall not be delegated to a dental hygienist or auxiliary:

- (a) Performing final diagnosis and treatment planning;
- (b) Performing surgical or cutting procedures on hard or soft tissue;
- (c) Prescribing or parenterally administering drugs or medications;
- (d) Administering or monitoring general anesthetics and conscious sedation;
- (e) Administering inhalants or inhalation conscious sedation agents;
- (f) Administering or monitoring nitrous oxide or local anesthesia except as permitted in Chapter 43 § 4310.2 of this Title;
- (g) Authorizing work orders for any appliance or prosthetic device or restoration to be inserted into a patient's mouth;
- (h) Operating high speed rotary instruments in the mouth;
- (i) Performing pulp capping procedures;
- (j) Condensing, contouring or adjusting any final, fixed or removable prosthodontic appliance or restoration in the mouth;
- (k) Final positioning of orthodontic bonds and bands;
- (l) Orthodontic arch wire activation with the exception of minor adjustments to eliminate pain or discomfort;
- (m) Taking impressions for master casts to be used for prosthetic restoration of teeth or oral structures;
- (n) Final cementation of crowns, bridges, inlays, onlays, posts and cores, and insertion of final prosthesis;
- (o) Placing sutures;

- (p) Flushing root canals;
- (q) Temporary wire ligation;
- (r) Application of cavity liners and bases;
- (s) Placing, carving, or finishing of amalgam restorations; and
- (t) Placing and finishing of composite resin/silicate restorations.

4215.2 Except as provided in § 4215.3 of this chapter, no person unless otherwise licensed by the Board shall place or expose dental x-ray film unless he or she has:

- (a) Satisfactorily completed a radiation course or examination recognized by the American Dental Association Continuing Education Recognition Program (CERP);
- (b) Been certified by the American Registry of Radiologic Technologists; or
- (c) Satisfactorily completed a radiation course and passed an examination given by the Dental Assisting National Board.

4215.3 For the time period beginning from the effective date of these regulations and ending December 31, 2011, a dentist may permit an auxiliary who does not meet the requirements under § 4215.2 to place or expose dental x-ray film if the auxiliary has completed in-office training and demonstrated competency to perform the task to the supervising dentist's satisfaction.

4215.4 Except as provided in § 4215.1 of this chapter, a dentist may delegate to a dental hygienist licensed under the Act those procedures which are appropriate to the training and experience of the dental hygienist, the type of practice of the supervising dentist, and to be performed under the direct or general supervision of the dentist.

4215.5 Except as provided in § 4215.6 a dentist may delegate to an auxiliary those procedures which are:

- (a) Appropriate to the training and experience of the auxiliary, and the practice of the supervising dentist;
- (b) Reversible; and
- (c) To be performed under the direct or general supervision of the dentist.

- 4215.6 Except as provided in § 4215.7 of this chapter, the following dental procedures shall only be delegated to an auxiliary who has:
- (a) Satisfactorily completed training in a CERP approved program, a training program or course recognized by the American Dental Association Commission on Dental Accreditation (CODA), or by the Dental Assisting National Board; and
 - (b) Who performs the tasks under direct supervision with the supervising dentist checking and approving the completed task prior to dismissal of the patient from the office:
 - (1) Placement of retraction cord;
 - (2) Placement or removal of matrices;
 - (3) The application of a medicinal agent to a tooth for a prophylactic purpose;
 - (4) Placement of periodontal dressings;
 - (5) Removal of temporary restorations without the use of a rotary instrument;
 - (6) Removal of sutures; and
 - (7) Bleaching.
- 4215.7 A dentist may delegate performance of the tasks set forth in § 4215.6 of this chapter to an auxiliary who does not meet the training requirements in § 4215.6(a), if the auxiliary had been performing the tasks for at least three (3) months prior to the effective date of these regulations and has demonstrated competency to perform the tasks to the supervising dentist's satisfaction.
- 4215.8 A dentist shall not delegate to an auxiliary any of the following procedures:
- (a) Those procedures excluded by § 4215.1 of this chapter;
 - (b) A preliminary dental examination; a complete prophylaxis, including the removal of any deposits, diseased crevicular tissue, accretion, or stain from the surface of a tooth or a restoration; the intraoral polishing of a tooth or a restoration;
 - (c) The charting of cavities during preliminary examination, prophylaxis, or polishing, however a dentist may permit an auxiliary to record the charting of cavities as dictated by the dentist or dental hygienist during the course of an

examination or dental procedure;

- (d) The instruction of individuals or groups of individuals in oral health care, unless it is in the dental office and done as instructed by the dentist;
- (e) The application of pit and fissure sealants;
- (f) The performing of a diagnostic screening to identify indications of oral abnormalities;
- (g) Administration of local anesthesia with board identified criteria and certification;
- (h) Administration of nitrous oxide with board identified criteria and certification; or
- (i) Placement of temporary restorations.

4215.9 In all instances, the licensed dentist assumes ultimate responsibility for determining, on the basis of his or her diagnosis, the specific treatment the patient will receive and which aspects of treatment will be delegated to qualified personnel in accordance with this chapter and the Act.

A new section 4216 is added to read as follows:

4216 ADVERTISING

- 4216.1 A dentist licensed under the Act shall include the dentist's name as the name appears on his or her District of Columbia dental license in any advertisement of dental services appearing in any newspaper, airwave transmission, telephone directory or other advertising medium in the District of Columbia.
- 4216.2 A dentist may not, on behalf of himself or herself, his or her partner, or his or her associate, or for any other dentist affiliated with him or her, use or participate in the use of any form of public communication, which contains a deceptive or misleading statement or claim.
- 4216.3 For purposes of this section, deceptive or misleading statements or claims are those that:
- (a) Contain a material misrepresentation of fact;
 - (b) Fail to state any fact necessary to make the statement not misleading;
 - (c) Are intended or are likely to create unjustified expectations;

- (d) State or imply superior service;
- (e) Contain a representation or implication that is likely to cause an ordinary prudent person to misunderstand or to be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;
- (f) Contain statistical data or other information based on past performance coupled with an explicit representation that the data or information indicates a likelihood of future success;
- (g) Contain or imply any guarantee of satisfaction, except the guarantee to return a fee if the patient is not satisfied with the treatment rendered;
- (h) Use electronic media, including television, radio, internet, and motion pictures, in a manner inconsistent with these regulations and the following criteria:
 - (1) Broadcast advertising shall be communicated to the public only over radio or television stations that are approved by the Federal Communications Commission or over cable television,
 - (2) Broadcast advertisements shall be prerecorded, and approved for broadcast by the advertising dentist, and
 - (3) A recording of the actual transmission shall be retained by the advertising dentist for a period of 3 years;
- (i) Fail to include the name of a responsible licensed dentist who provides dental services at the location advertised;
- (j) Falsely state or imply that a dentist is a certified or recognized specialist recognized by the American Dental Association Commission on Dental Accreditation;
- (k) Claims to be a specialist or uses any of the terms to designate a dental specialty unless he or she is entitled to such specialty designation under the guidelines or requirements for specialties approved by the American Dental Association, or such guidelines or requirements as subsequently amended and approved by the board, or other such organization recognized by the board.
- (l) State or imply that a dentist practices in an area of dental specialty unless the dentist:
 - (1) Is recognized by the Board as a specialist in the area advertised,

(2) Includes in the advertisement a disclaimer that the dentist is not recognized by the Board as a specialist in the area of practice advertised, or

(3) Includes in the advertisement a statement that the dentist is a general dentist; and

(m) State that the dentist practices or advocates "mercury-free" dentistry or removes mercury amalgams for replacement of nonmercury containing materials, unless that advertisement includes a readable disclaimer which states: "The National Institutes of Health has determined that there are no verifiable systemic health benefits resulting from the removal of mercury amalgams."

4216.4 A general dentist who limits his or her practice shall state in conjunction with his or her name that he or she is a general dentist providing only certain services, e.g., orthodontic services.

4216.5 Except as provided in § 4216.6 of this chapter, a dentist shall not:

(a) State or imply that another dentist practices at a dental office or location who in fact does not practice at that site; or

(b) State or imply an affiliation with a dentist with whom the dentist does not have a legal affiliation.

4216.6 For one year following the dissolution of a partnership, affiliation or professional arrangement, a dentist may continue to use advertising containing the name of the former partner or dentist with whom he or she was affiliated, if the other dentist has expressly consented to such use, or is deceased.

4216.7 A statement regarding fees shall be considered deceptive or misleading if the dentist:

(a) Renders the service at more than the fees advertised; or

(b) Fails to offer the service at the fee advertised for a reasonable period of time following the advertisement unless a specific time limit is included in the original advertisement.

4216.8 Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services, and products which, to a substantial likelihood, will be necessary for the completion of the advertised services as it would be understood by an ordinarily prudent person shall be deemed to be

deceptive or misleading. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

- 4216.9 Discount offers for a dental service are permissible for advertising only when the nondiscounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.
- 4216.10 A dentist shall be responsible for an advertisement of service regardless of whether the advertising has been generated by him or her personally, by his or her employees, or by a proprietorship, partnership, corporation, union, public school clinic, state institution, or charitable institution which uses his or her services.
- 4216.11 A dentist shall:
- (a) Retain a copy of all advertising, in the form in which it was published, for a period of 3 years from the date of publication or transmission; and
 - (b) Make the copy available for inspection and copying when requested by the Board.
- 4216.12 Within thirty (30) days of receiving a request from the Board, a dentist shall submit documentation, video or audio recordings, or other evidence to substantiate the truthfulness of any assertion or representation of material fact set forth in an advertisement. If the dentist fails or refuses to comply with the request, the Board may draw an adverse inference from such failure or refusal in any subsequent hearing or disciplinary action on the substance of the complaint or investigation, should such a hearing or action occur.

A new section 4217 is added to read as follows:

4217 UNAUTHORIZED PRACTICE

- 4217.1 A dentist shall not engage in any treatment, therapy, or testing in the District of Columbia that is not:
- (a) Within the scope of the practice of dentistry pursuant to D.C. Official Code § 3-1201.02(5)(2001);
 - (b) Commonly used in dental practice in the United States; and
 - (c) Currently taught in United States dental schools or dental residency programs accredited by the American Dental Association Commission on Dental Accreditation.

- 4217.2 A dentist shall not perform any extraoral aesthetic or cosmetic procedures in the District of Columbia including but not limited to laser hair removal, skin resurfacing, skin refirming, skin tightening, skin rejuvenation, or injection of substances into the body for the purpose of wrinkle-removal, unless he or she:
- (a) Holds an active District of Columbia dental license in good standing;
 - (b) Has successfully completed an oral and maxillofacial residency program accredited by the American Dental Association Commission on Dental Accreditation;
 - (c) Only performs aesthetic or cosmetic procedures above the clavicle or within the head and neck region of the body; and
 - (d) Only performs those procedures which are appropriate to his or her training and experience.
- 4217.3 A dentist shall not employ, contract with, supervise, or otherwise aid or assist another individual in the performance of extraoral aesthetic or cosmetic procedures in the District of Columbia including but not limited to laser hair removal, skin resurfacing, dermabrasion, skin refirming, skin tightening, skin rejuvenation, or injection of substances into the body for the purpose of wrinkle-removal unless the individual actually performing the procedures meets the requirements set forth in § 4217.2 of this chapter or is otherwise licensed and authorized under the Act to perform such procedures.
- 4217.4 A dentist shall not employ, contract with, supervise, or otherwise aid or assist another individual in the performance of general spa services and procedures in the District of Columbia including but not limited to massage therapy, facials, tooth bleaching, cosmetic tattooing, manicures, or pedicures, unless the individually actually performing the procedures is duly licensed or otherwise authorized under applicable District of Columbia law to perform the procedures.

Section 4299.1 is amended as follows:

a) The following terms with the ascribed meanings are added as follows:

Act- The District of Columbia Health Occupation Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.)

Bleaching- external tooth whitening procedures.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176) and amended by the Public Education Reform Amendment Act of 2007, (D.C. Law 17-9), D.C. Official Code § 38-2602(b)(11)) (2008 Supp), hereby gives notice of the adoption of a final rule to amend Chapter 16 of Title 5 of the *District of Columbia Municipal Regulations* (DCMR).

The final regulation amends portions of chapter 16, entitled “Professional Education Requirements,” to establish Teacher Credentials that will be required of candidates seeking to qualify for a position as a teacher in the District of Columbia Public Schools system. The final regulation is being adopted substantially as proposed with cross references aligned to the appropriate subsections within chapter 16.

The regulation also establishes fees for this process and a hearing process with regard to denial, revocation and suspension of such credentials. As announced in the proposed revisions to this chapter, additional sections and subsections within Title 5 have been superseded by these amendments and will be deleted.

The revisions to these regulations were published for comment at 55 *D.C. Register* 8539 (August 8, 2008); and at 55 *D.C. Register* 11906 (November 14, 2008). The proposals were posted on the Office of the State Superintendent of Education website, and discussed at public hearings before the State Board of Education. All comments received have been considered.

Section 1601 of Title 5 of the DCMR is amended to read as follows:**5-1601 TEACHING CREDENTIAL**

- 1601.1 An individual must have a license known as a Teaching Credential to serve as a teacher in the District of Columbia Public Schools for the subjects enumerated in this chapter. For any subjects not covered in this chapter, a substitute teaching credential must be obtained.
- 1601.2 The Office of the State Superintendent of Education (OSSE) shall issue a Teaching Credential in accordance with the provisions of this section.
- 1601.3 Regular I Teaching Credential. To qualify for a Regular I Teaching Credential, the candidate must:

- (a) Have earned a bachelor's degree from an accredited institution of higher education;
- (b) Be enrolled in a preparation program in the District of Columbia for practicing teachers approved by the OSSE, or in a program approved by another state and recognized by the OSSE in accordance with this chapter;
- (c) Have successfully completed the Praxis I examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT, or Graduate Record Examination (GRE);
- (d) Have successfully completed the Praxis II Content examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education, in the content area in which the candidate will practice; and
- (e) Be employed by a local education agency in the District of Columbia.

1601.4 Regular I Teaching Credential Upgrade. Candidates who hold a Regular I Teaching Credential shall receive an upgrade to a two-year Regular II Teaching Credential if the candidate successfully completes a state-approved preparation program for practicing teachers in which he or she was enrolled and where applicable, the Praxis II, Pedagogy examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.5 Regular II Teaching Credential. To qualify for a Regular II Teaching Credential, a candidate must:

- (a) Have earned a bachelor's degree from an accredited institution of higher education;
- (b) Have successfully completed a preparation program for teachers approved by the OSSE in accordance with subsection 1601.11 this chapter or by another state and recognized by the OSSE;
- (c) Have successfully completed the Praxis I, Pre Professional Skills Test or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score

determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT or GRE; and

- (d) Have where applicable, successfully completed the appropriate Praxis II Content and Pedagogy examinations, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.6 Transitional Teaching Credential. At the written request of a local education agency (LEA) located in the District of Columbia, the State Superintendent of Education may issue a one-year non-renewable Transitional Teaching Credential to a candidate if the candidate was never employed as a teacher by the District of Columbia Public Schools and has earned a bachelor's degree from an accredited institution of higher education and either the candidate's academic major qualifies the individual to teach in the content area in which the teacher shall practice, or the candidate completed a state-approved teacher preparation program. This Transitional Teaching Credential also includes qualifying candidates who hold a valid teaching license from another state or jurisdiction within the United States of America, and have not taken the examinations required for a Regular II Teaching Credential.

1601.7 The terms and renewal requirements for the Regular I and Regular II teaching credentials shall be as follows:

- (a) The term of the Regular I Teaching Credential shall be two calendar years from the date of issuance, unless a shorter term is prescribed by the State Superintendent of Education. The Regular I Teaching Credential is not renewable.
- (b) The term of the Regular II Teaching Credential shall be four calendar years from the date of issuance, and in the case of a Regular II Teaching Credential upgraded from a Regular I Teaching Credential, in accordance with the requirements of subsection 1601.4, for a term of two calendar years, unless a shorter term is prescribed by the State Superintendent of Education.
- (c) The Regular II Teaching Credential is renewable upon completion of six semester hours of coursework from an accredited institution of higher education; or 90 clock hours documenting professional development activities; or a combination thereof, one semester hour being equivalent to 15 clock hours, that contribute to

performance and effectiveness as a teacher.

- (d) The Regular II License will become non renewable upon development and promulgation of final regulations for an Advanced Teaching Credential described in subsection 1601.9.

1601.8 All Teaching Credentials current as of the effective date of final adoption of this regulation shall remain in effect until the expiration date for each license.

1601. 9. The Advanced Teaching Credential. The State Superintendent of Education shall consider the development and promulgation of further regulations creating a new Advanced Teaching Credential that would require a candidate to demonstrate effectiveness to continue teaching in a District of Columbia Public School. Any effectiveness regulation will be developed using expert research and will be proposed and published for public comment prior to any final adoption.

1601.10 Substitute Teaching Credential. Applicants must have completed a Bachelor's degree at an accredited institution of higher education to qualify for a substitute teaching credential. The substitute teaching credential is valid for two years from the date of issuance.

1601.11 The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable standards for the approval, renewal, and revocation of approval by the OSSE of teacher preparation and practicing teacher programs in the District of Columbia that qualify candidates to earn a Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter and for purposes of interstate reciprocity.

- (a) Only programs sponsored by an accredited institution of higher education, a non-profit organization, or LEA may be considered for approval pursuant to this subsection by the OSSE.
- (b) Any approval granted by the OSSE pursuant to this subsection, shall specify the objective and verifiable standards that must be successfully completed to qualify a candidate for the Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter.
- (c) Any such programs in existence as of the date of the final approval of this regulation, shall maintain their qualified status pursuant to this subsection, for the duration of the term of their current

approval as a qualified program. Programs approved by other states and recognized by the OSSE may also qualify candidates to earn a Regular II Teaching Credential.

- (d) Each application for the approval of a teacher preparation or practicing teacher program located in the District of Columbia under this Section shall at a minimum include industry recognized standards in child development, classroom management, and content knowledge.

1601.12 Each candidate for a Teaching Credential shall be required to undergo a criminal history record check prior to receiving the Credential, and may be required to submit to additional checks for purposes of renewing or continuing to hold the credential.

- (a) The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable criteria for the review of such records in accordance with appropriate law.
- (b) Only criminal convictions and pending charges shall be taken into account with regard to criminal background information in determining whether or not an individual is qualified to hold the credential.

1601.13 To receive an endorsement in individual subject matter areas enumerated in Sections 1602 through Section 1665 of this chapter, a candidate must have a valid Regular II credential, successfully completed Praxis II Pedagogy examination, where applicable, or other nationally recognized tests, as designated by the State Superintendent of Education and one of the following:

- (a) Successful completion of the Praxis II Content exam; or
- (b) Meet the requirements for the subject matter area in Sections 1602 through Section 1665 of this chapter; or
- (c) Successful completion of an academic major or major equivalent of thirty semester hours of course work from an accredited institution of higher education in a given subject matter.
- (d) This section shall not apply to licenses requiring advanced degrees in Sections 1634; 1656; 1657; 1658; 1659; 1660; 1662; and Section 1663 of this chapter.

1601.14 Each application for a credential submitted to the OSSE for processing under Chapter 16 shall be accompanied by a fee established by the State Superintendent of Education.

- (a) The State Superintendent of Education shall determine the amount of revenue that shall be required to administer the teacher credentialing process, and shall establish an application processing fee in the amount deemed necessary for such purposes;
- (b) All revenue collected by the State Superintendent of Education under this subsection for the processing of Credentials shall be deposited in the Office of the State Superintendent of Education “Academic Certification and Testing Fund,” which shall be separate from the Local Operating Funds of the District of Columbia. This State Fund does not revert to the General Fund Balance of the District of Columbia at the end of any fiscal year or at any other time, and is continually available for the uses and purposes set forth in this Chapter, subject to Congressional authorization.
- (c) All revenue collected by the OSSE under this subsection for the processing of a Teaching Credential shall be continuously available for the uses and purposes directly related to credentialing activities, including, but not limited to:
 - (1) Travel;
 - (2) Professional training;
 - (3) Meetings;
 - (4) Stipends;
 - (5) Honorariums;
 - (6) Professional organization membership dues;
 - (7) Day-to-day office operational needs;
 - (8) Salaries of individuals who perform, manage, monitor or oversee the processing of credentials;
and
 - (9) The maintenance of credentialing program records.
- (d) Fees shall be payable to the D.C. Treasurer by money order, certified check, cashiers check or electronic payment.
- (e) Teacher Credentialing Fee Schedule:

(1)	Initial Certification	\$ 50.00
(2)	Duplicate Certificates	\$ 20.00
(3)	Renewal Certification	\$ 50.00
(4)	Substitute Certification	\$ 50.00

- 1601.15 Interstate Agreement on Qualification of Educational Personnel. At the direction of the State Superintendent of Education, periodic reviews shall be conducted to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in the District of Columbia;
- (a) When the State Superintendent of Education determines that the teacher preparation standards established by any state are at least comparable and equivalent to teacher preparation standards in the District of Columbia, the State Superintendent of Education shall initiate negotiations with that state to provide reciprocity in teacher or educator credentialing;
 - (b) The State Superintendent of Education shall award a credential to any applicant who holds or qualifies for an equivalent credential awarded by a state that has established a reciprocity agreement with the District of Columbia pursuant to subsection (a);
 - (c) The State Superintendent of Education shall grant an appropriate credential to any applicant from another state that has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in the District of Columbia, as determined by the OSSE, if both of the following circumstances exist:
 - (1) A reciprocity agreement with the other states is pending completion, or the other state has declined to enter into a reciprocity agreement with the District of Columbia;
 - (2) The applicant has met the requirements of the District of Columbia for obtaining a certificate of eligibility in accordance with this Section; and
 - (d) No reciprocity agreement establishment pursuant to subsection 1601.15 (b) shall exempt an out-of-state applicant from being required to submit to, and or comply with a background or criminal history record check, in conjunction with obtaining a license under this chapter.

- 1601.16 The procedures for entering and executing "Interstate Agreements" shall be established by the State Superintendent of Education, or his or her designee.

Section 1687 of Title 5 of the DCMR is amended to read as follows:

5-1687 LICENSE DENIAL, SUSPENSION OR REVOCATION

- 1687.1 A license issued pursuant to this chapter may be denied, or suspended for a period determined by the State Superintendent of Education or revoked by the State Superintendent of Education if the license holder has:
- (a) Fraudulently or deceptively obtained, or attempted to obtain the license;
 - (b) Pled guilty or nolo contendere with respect to, or received probation before judgment with respect to, or been convicted of one of the following crimes or been held liable in a private cause of action based upon the following:
 - (1) Murder;
 - (2) Child abuse;
 - (3) Rape;
 - (4) A sexual offense involving a minor or non-consenting adult;
 - (5) Child pornography;
 - (6) Kidnapping or abduction of a child;
 - (7) Illegal possession, use, sale, or distribution of controlled substances;
 - (8) Illegal possession or use of weapons; or
 - (9) A felony involving moral turpitude to be defined as one characterized by behavior or acts that gravely violate moral sentiments or accepted moral standards of this community and are of a morally culpable quality;
 - (c) Knowingly failed to report suspected child abuse or neglect, as required by District of Columbia Official Code Section 4-1321.02;

or

- (c) Had his or her application for a license denied, suspended or revoked in this or another jurisdiction within the last five (5) years for a cause which would be grounds for denial, suspension, or revocation under Section 1687.1.

1687.2 The following reporting procedures shall govern this chapter with regard to conduct in Section 1687.1.

- (a) The following individuals shall notify the State Superintendent in writing in the event a person with a current license issued under this chapter or applicant for a license under this chapter falls within the terms of Section 1687.1 above:

- (1) The Certificate applicant or person with a current Certificate; and
- (2) The Administrator of the school or an official of the District of Columbia Public School system if the conduct occurs during current employment or during a background check;

- (b) The written report shall include the following information:

- (1) Name and current or last know address of the person being reported;
- (2) Type of Certification(s) held by the person or applied for; and
- (3) Specific grounds set forth in Section 1687.1 to support denial, suspension, revocation.

1687.3 Before denying, suspending, or revoking a license, including without limitation for reasons set forth in Section 1687.1, the State Superintendent of Education or his or her designee shall:

- A. Send the potential or current license holder a written notification of the intent to deny, suspend or revoke his or her license, specifying the basis for intended action;
- B. Advise the potential or current license holder of the right to a hearing and advise further that:

1. The decision shall not become final until the conclusion of hearing, unless otherwise provided by law; and a request for a hearing is filed within ten (10) days of the receipt of a written copy of circumstances in Section 1687.1 affecting the applicant or current license holder;
 2. Absent the timely filing of a request for a hearing, the decision shall become final on the eleventh (11th) day after receipt of a written copy of charges against the potential or current license holder; and
 3. Advise the applicant or current license holder that, the burden of proof shall rest upon:
 - (A) The State Superintendent of Education to sustain a decision to suspend or revoke a license;
 - (B) The applicant in order to reverse a decision to deny a license; and
 - (C) That in all cases the standard of proof shall be a preponderance of the evidence.
- 1687.3 The State Superintendent of Education or his or her designee shall notify all other states of denial, suspension, and revocation decisions as part of the interstate certification data exchange.
- 1687.4 If the decision of denial, suspension, or revocation is based on Section 1687.1 (b), and if the decision subsequently is overturned in an appeal or other post decision proceeding, an applicant may re-apply for a license, and a license suspension or revocation shall end on the date a conviction or plea of guilty is overturned.
- 1687.5 A license which has been suspended under this chapter shall be automatically reinstated at the end of a suspension period; provided that the license has not expired during the period of suspension.
- 1687.6. If a license expired during the period of suspension, a person may reapply and shall be required to meet the license requirements in effect at the time the application is submitted for a new license.

The following Sections and Sub-sections of Title V of the DCMR are hereby deleted in their entirety:

Section 5-1001

Sub-Sections 5-1002.1, 5-1002.2, and 5-1002.3

Section 5-1003

Section 5-1308

Section 5-1310

Section 5-1311